W 49/1915

G R S App [X 4]

1943

File No 113-42

Previous References

(NL)

Serial Nos 171940 48 90

Later References

NL 88-48(1,2,102)

HH 6 GTx 58

GENERAL AND REVENUE SECRETARIAT

Serial Nos 5

Part B for May 43

SUBJECT

Octroi duty on kerosene oil supplied to the Engineering College, Bhore

Re Rep^v, numbering of rupees
11 DS Com^v 13 Lacs
1c Comptroller
1 Dir of I & C
1 Supply C Pers
Re loss in handling of 15 Lakhs.
D Rec's, inter alia That Octroi should not be levied on purchases made by depts of Govt

1 Hist 11/5

Serial No

From The Registrar, University of Mysore
No R 4-1620/42-43 Dt 10-8-42
Requests to that the Kerosene oil obtained from Messrs the Burma Shell oil Co., Blore for the College of Engineering Bangalore may be exempted from the payment of Octroi duty

It is stated that 200 gallons of Kerosene oil are being purchased by the Principal College of Engineering, Blore, once in two every 10 days for the use of the gas House attached to the college for producing Kerosene oil gas required for the use of Govt Depts, viz, the central College, the Intermediate College, the Govt Soap Factory, the Public Health Deptt, the Agricultural Deptt and the Silver Jubilee Technological Deptt

"B" In para 2 of the letter of the Principal, to the Registrar University of Mysore it is stated that no reply has been received from the said Comm to this letter of the Principal

3 A reference received from the Octroi Supdt is flagged "C"

4 Appd, a copy of the letter received from the Registrar will be sent to the

NOTE—Cont Sheet

WD 0415 —GPB—5 000—23 10 44

1972

mL File No 113 of 1942-43 General and Revenue Secretariat

Serial No

mL Comm. for ~~Law~~ remarks A

2) Routed for orders

WHB 27/8/42

1) A will be done Lawrence

SECY LAW 27 GOVT OF TNVS

7) Cus 27 & 42

8) Appt

9) Routed with a draft letter for appt

WHB 28/8/42

10) Done

To the mL Commr. Bldgs. thro Pol 19
no L 2490 dt 21-8-42
Calls for his opinion in the matter
from the mL Commr Bldgs thro Pol
no A4 1362/41-42 dt 8-10-42
States that according to the Octroi Bye laws goods bonafide property of Govt at the time of import and accompanied by an invoice certified by the Departmental Head Concerned that the property contained therein belongs to Govt are exempted from Payment of octroi duty & that the College of Engineering is not importing the ore direct & that they are getting

Done ✓ 1/9/42

9725 2321
L

Serial No

from local dealers & as such they are liable to pay the octroi duty etc.

11) submitted for perusal & orders.

12) How long is this arrangement of getting the oil from the Burmah-shell Co. in force? (If not, for what date is it demanded? Has this octroi been claimed & paid all along?) What does this come up to for 600 gallons every month? Is the oil stored from the storage dept. located in the premises of the Railway station or from the local agents of the Company? Please furnish information on the above points from the Registrar, Mysore University — for 24 x 11

13) Submitted with a draft letter for appl. Law dep. for 24 x 11

14) Copy 2210-42

15) Issued for 27/11/42

To The Registrar, University of Mysore
No L 4339 - B 26 to 42.
Seeks for some information

Sus 14 5/11

from The Registrar, University of Mysore
No B 4-534/42 43 - B 14-11-42
Furnishes the information called for

SECY. LAW DEPT 4410 27 T 42 GOVT O MYSORE

NOTE—Cont Sheet

WD (4155—GPB—5 000— 3-10-41

2324 V 3064
L

File No 113 of 1944-43 — eral and Revenue Secr tariat

Serial No

6 sorted with reference to para 12 supra
WWS 29/11 WW 17 The comptroller to the Govt has also made a reference in the matter of petrol upto
Lr 30/11/43

18 The letter referred to above is "WW"
WWS 4/12 GS WW font up
of the photographic copy of Govt no L-6726-9/ Mil 154-25-2 dy 4.12.43
Lr 4/12/43 WW 7/12

20 A Copy of Govt no L67 26-9/ Mil 154-25-2 A
dy 29-4-1926 is font up
of pleasing up for inst into the copy of the Govt
WWS 6/12 GS 6/12 WW3
Lr 6/12 WW3

In the Report, supreme Govt has reported that the Bangalore authorities have begun to collect from the month of June 1943 excise duty on the Kerosene at 2 annas per gallon obtained by the Principal refiners of Kerosene viz messrs Burma Shell & Co for the production of the Kerosene has required for the use of the Govt Depts viz central college, intermediate college, the Govt Soap Factory, the Public Health Dept, the Agriculture Dept the Civil Engineering Technological Institute

(2B) The duty paid Copies of Rules 10 (1) (a) (ii) & (iii) Refineries Rules that as the gas is mainly used by the Govt Dept sanction may be accorded for exempting the payment of Excise duty on Kerosene oil obtained for the college of Engineering by the Asst Excise Supdt has reported that the duty is recovered on the K oil purchased by the college of Engineering for the following grounds

The purchase was not made directly from outside as contemplated in para 91 Cl 4 H A-II Part-II

(a) the purchases were made locally from a firm who has imported & stocked the goods in question within the city of Limits

3) Govt may be exempting the levy of the duty on articles they are for those which at the time of import within the city limits are brought privately for sale But none of the above contentions hold good in this case as there is no question of Govt importing a dutiable article from outside the city limits as the oil is purchased from Wholesale dealers having their business within the city limits & hence the levy is liable to the charge

not the price increase

There seems to be no practicable method of levy & collection of duty on purchases made by such depts to provide for use since the depts in question take delivery of the oil at the premises of the Company. The article becomes subject immediately to exemption from duty & could only be accompanied at the time of import by a certificate signed by the Head of the Mission to the effect that the purchase is for a bona fide Govt purpose

We do not see how the above facts, the levy of duty on the K. oil planned for use by the Govt depts would be practicable as pointed out by the Comptroller in his letter (7 May W.) Hence orders will be issued to the effect that, not to levy duty on future purchases but that the amount already received from future liftings made on requisitions for the University & the depts mentioned in your answer will be refunded to the University. We are requested to authorize the Principal of the Engineering College & the Medical College at the time of getting the supply order, to the effect that it is intended for bona fide Govt purposes

Yours truly

WD 1140—GPB—50 000—5-11-42 Law 12

Law 24/3/43

29) There was absolutely no justification for the Municipal Council to suddenly turn & levying action on the old daughter & the Engineering College but had already been imposed into the City Funds & the duty had to be recovered from the B S Co as it is more equitable & say that the College has to pay action as it was not responsible for levying duty does not cancel the fact that it is not imposed &

30) Assuming that the College imposition been the case clearly comes under the exception since it had become a vested property of the Govt on purchase

31) In any view of the case the levy is not justifiable

32) The amount already recovered has to be refunded

33) It will be convenient for the principal of the College

1)

Continuation Sheet Int File No / Current No 113 3064/1 of four Page

OFFICE OF THE ADJUTANT GENERAL
FOR L.S.G. & P.H.
Date 27 3 43
N 7976

Give the necessary Certificate for the Justice Vouchers

Mr Bell 4 Cr

Acc 26-3-43
from 26/Int/43

3W) Acc 28-3-43
Acc 29-3-43
Draft letter to appl

3) Build worth a draft letter for appl
Ulla 30/3 3B) A-G's (D.S.D.) necessary alterations to minutes
from 31 Mar 43

Build worth a draft Go for appl
Ulla 5/4 3W) Pl. type on half margin
necessary alterations
revised
from 5 April 43

Build worth a typed draft for approval
Ulla 8/4 Lawson from 8 April 43
Acc 6-4-43
Issue
from 8 April 43

90

To The Registrar Immediately please
The ml Comm. Berg Rio Pol
The Comptroller
The Dr q Dtc
The Supdt, CPS
No L 10155-219 By 15/4/43
Passes orders on the matter

Presses
2/8/4
B9/5
M 1015

WD 1140—GPB—50 000—5-11-42

Tl Add UNIREG
Tl phon N 277

University of Mysore

No F.4-M 20/42-43
Enc one +1

Office of the University of Mysore
MYSORE

10 8 1942

Mc 113-42-1-17

FROM
DR C S PICHAMUTHU BSc PH D (GLAS) F R S E F G S
REGISTRAR UNIVERSITY OF MYSORE
MYSORE

TO
J Appaji Gowda, Esq , B A (Hons) ,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore

GENERAL SECRETARIAT
11 AUG 1942

Sir,

I am directed to forward herewith a copy of letter No 160, dated the 23rd July, 1942, with that of its enclosure, from the Principal, College of Engineering, Bangalore, in the matter of payment of Octroi duty to the Bangalore City Municipality on supplies of Kerosene oil "Yellow bulk" obtained from Messrs Burma Shell Oil Co Bangalore city, and to state that the Kerosene Oil in question is being obtained by the Principal in quantities of 200 gallons once in every 10 days for the use of the gas House attached to the College for producing kerosene oil gas required for the use of Government Departments, viz , the Central College, the Intermediate College, the Government Soap Factory, the Public Health Department, the Agriculture Department and the Silver Jubilee Technological Department

As the gas is mainly used by Government departments, I am to request you to be so good as to obtain sanction of Government for exempting the payment of Octroi duty on the kerosene oil obtained for the College of Engineering from Messrs The Burma Shell Oil Co , Bangalore

I have the honour to be,
Sir,
Your most obedient servant,

Registrar 10 8

DBS/8

Appendix F G—1]

SUBJECT

Section ml
File No 113/42
Serial No 19

Diary No of letter replied to

No L 11990
Au-3

To The ml Commr, BCG, thro DOs

General and Revenue Secretariat
( )
the *19*

Sir,

I am directed to forward herewith a copy of letter No F 4-1620/42-43 dt 10-8-42 received from the Registrar University of Mysore in the matter of exempting the Govt the College of Engineering from payment of octroi duty on the kerosene oil obtained from Messrs The Burmah Shell Oil Co, Blore

Date of issue 31/8/42

Signed by Asst G Rao

to letter with its two enclosures in original

at Bangalore

List of enclosures

Copied by

Examined by

and to request you to be so good
as to ~~forward~~ ~~favour Govt~~ furnish
~~with~~ your opinion in the matter
The enclosures may be
kindly returned with your report
I have etc
[illegible]
Under secy to Govt
Law Dept
28/8

BANGALORE CITY MUNICIPALITY

2321/L

No MUNICIPAL OFFICES

Encl Two 30th galor October

ABDUL AZIZ KHAN, Esq., B.A.,
MUNICIPAL COMMISSIONER
BANGALORE CITY

Narayanaswamy Naidu, Esq , B A , B L
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

Re Levy of Octroi duty on Kerosine Oil

With reference to your letter No L 2490 Ml 113-42-19/ 31-8-1942, in the matter of exempting the College of Engineering Bangalore, from the payment of Octroi duty on Kerosine Oil obtained by them for use in the College, from Messrs Burmah Shell C Bangalore, I have the honour to state that as per the Octroi Bye-laws of this Municipality, only goods bonafide property of Government, at the time of import and accompanied by an invoice certified by the Departmental Head concerned that the property contained therein belongs to Government, is exempted from the payment of Octroi duty

The College of Engineering, Bangalore, is not importing the said oil direct from outside, but they are only buying it from local dealers As such they are liable to the payment of the octroi duty

The Principal, College of Engineering, Bangalore, has also been intimated accordingly in response to a reference received from him in this Office, requesting for exemption

The two enclosures received in original are returned herewith

I have the honour to be,
Sir,
Your most obedient servant

Forwarded with compliments

V Venkatasubbaramy Chetty

Vice
Hon. President

Municipal Commissioner

COLLEGE OF ENGINEERING BANGALORE

Copy of letter No T 2388 dated 12-6-42 from the Superintendent City Octroi and Toll to the Principal College of Engineering Bangalor

---

In reply to your letter dated 10-6-42 presented by your messenger to-day I write to inform you that the kerosene oil in question as stated by you is ordered with Messrs Burmah Shell Oil Co Ltd Bangalore City and there is no provision in the Schedule of exemptions to exempt the oil in question from payment of octroi since the same is not imported by you

The said oil is imported into the City by Messrs Burmah Shell Oil Co Ltd It is only goods bonafide property of Government at the time of import into Bangalore City and accompanied by an invoice certified by the Departmental Head Concerned that the property contained therein belongs to Government vide schedule of exemptions No 1 are exempted

P T O

You are therefore requested to remit Octroi due to this office at 3 pies per rupee advalorem on the said kerosene oil

---

Principal

COLLEGE OF ENGINEERING BANGALORE

Copy of letter No C 3-2446/34-35 dated 30th Octr 1934 from the Municipal Commissiner Bangalore City to the Principal College of Engineering, Bangalore

---

With reference to your letter No 1156 dated 5-10-34 requesting that the article required for the use of the College be allowed to pass free of Octroi duty either on the production of the Railway Receipts or Invoices signed by you I have the honour to state that under the rules and bye-laws of this Municipality such goods must invariably be accompanied by exemption certificate from the Head of the Department at the time of import into the City

Hence I regret that your suggestion cannot be accepted

--

Principal

BBC

Appendix F G—1]

SUBJECT

Section ML
File No 113-42
Serial No 40

Diary No of letter replied to

No L 4339

To The Registrar, University of Mysore, Mysore

General and Revenue Secretariat
( )
the *19*

Date of issue 26/10/42

Signed by for G R

Sir

With reference to your letter No F 4-ML 20/42 43 Dt 8 42- on the matter of payment of octroi duty to the Bangalore city municipality on supplies of kerosene oil obtained from Messrs Burmah Shell oil Co, Blore by the Principal Engineering College Block I am directed to request you to be so good as to furnish information on the following points.

List of enclosures

Copied by

Examined by

(1) How long is the arrangement of getting the oil by the institution from Messrs Burmah Shell oil Co, in force? If not, from what date is it discontinued

WD 086—GPB—40 000—30 7 40

2) Has the O etron been claimed & paid all along? If not, from what date is it demand Rly's to fill cl

3) What does this duty come up to for 600 gallons every month? &

4) Is the oil obtained from the storage depot located in the premises of the Post Rly Station or from the local agent of the Company?

Thanks etc

from

Secy to Govt
Land Deptt

21/10

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No 2177/CLAD

Bangalore dated 14 November 1942

2853

From

M VIRARAJA URS Esq B A B L
Comptroller to the Government of
His Highness the Maharaja of Mysore
BANGALORE

To

C Narayanaswamy Naidu Esq , B A , B L ,
Secretary to the Government of Mysore,
Law Department, Bangalore.

Sir,

I have the honor to state that during the course of the local audit of Sri Krishnarajendra Technical Institute by the audit staff attached to Bangalore Circle, it was noticed that the Octroi duty had been levied and collected by the Bangalore City Municipality on kerosine oil purchased for the use of the Government Departments and for bonafide Government use from Messrs Burma Shell at the City Railway Station- the reasons therefor assigned by the Bangalore City Municipality being, firstly that the purchase was not made directly from outside, as contemplated in Para 91 Clause 4 M A M Part II Secondly the purchase was made locally from a firm who has imported and stocked the goods in question within the City Municipal limits and thirdly that the Octroi Bye-laws exempting the levy of the duty on articles apply only to those which at the time of import within the City limits, are bonafide property of Government

But the grounds stated above for the recovery of the said duty are not in accordance with the spirit and the correct interpretation of the provisions contained in the Bye-laws of the Octroi Department as in the present case there is no question of Government importing a dutiable article from outside the Municipal limits- the oil is purchased from the wholesale dealers, having their business within the City limits and therefore the Company and not the purchaser is liable to this charge

Granting that the Company is not situated within the jurisdiction of the Municipality as said to have been contended by the former

which

which has evidently declined to pay the duty (which is learnt to have been reported to Government by the Municipality for orders) there appears to be no justification for the levy and the collection of duty on purchases made by Government Departments, for bonafide Government use, since the Departments in question take delivery of the oil at the premises of the Company Thus the article becomes Government property immediately and is therefore exempted from duty and the Bangalore City Municipality is only entitled to insist in such cases, on the production of the requisite certificates, from the Heads of Offices, as the ~~purpose~~ purchase purports to be bonafide Government purposes which will readily be responded to by these departments

From any of the standpoints stated above, the collection of duty on articles from the Silver Jubilee Technical Institute, the Electrical and other Departments of Government does not appear to be justifiable

I request that definite orders of Government, even as in the case of the Electrical Department (Vide G O No L 6726-9 Ml 154-25-2 dated 29-4-26) may kindly be issued for the guidance of the Municipality

I have the honor to be,
Sir,
Your most obedient servant,

M Visvesvaraya

Comptroller

CV/2

University of Mysore

No F 4-534/42-43
Encl

Office of the University of Mysore
Mysore, Dated 14 11 42

Rel 113-42-48

From

Dr C S Pichamuthu, B Sc, Ph D (Glas), F R S E, I G S
Registrar, University of Mysore, Mysore

To

The Secretary to the Government of His Highness
the Maharaja of Mysore, Law Department, Bangalore

Sir,

With reference to your letter No L 4339/Muni-113-42-43 dated 26th October, 1942 calling for certain information in regard to the question of payment of Octroi Duty to the Bangalore City Municipality on Kerosine oil obtained by the Principal, College of Engineering, Bangalore and calling for information on certain four points, I am directed to state as follows:

1 The oil is being purchased from Messrs Burmah-Shell Oil Co, from the year 1926

2 The Octroi was not claimed till June 1942, and is being paid to the Bangalore City Municipality only from June 1942

3 The duty paid towards the oil comes to Rs 10/- per month

4) The oil is purchased from the storage depot located in the premises of the Bangalore City Railway Station

I have the honour to be
Sir,
Your most obedient servant,

Chas Krishnamurthy
14 11 42
Registrar

P 14/11

Proceedings of the Government of H H the Maharaja of Mysore

Read - above

Letter No F 4 M20/42-43 dated 10-8-42, from the Registrar, University of Mysore, requesting, in the circumstances stated, that the Kerosene Oil purchased from Messrs Burmah Shell Oil Co , Bangalore by the College of Engineering may be exempted from payment of octroi duty

2 Letter No A4 1362/41-42 dated 8-10-1942 from the Municipal Commissioner, Bangalore City furnishing his views on the subject

3 Letter No 217/C I A D dated 4-11-42, from the Comptroller to Government on the subject

4 Letter No F4 534/42-43 dated 14-11-42 from the Registrar, University of Mysore furnishing further information in the matter

---

ORDER NO

Dated, April 1943

The Registrar, University of Mysore has reported that the Bangalore City Municipal Council have been collecting from the month of June 1942 octroi duty on ~~the~~ Kerosene Oil of 200 gallons obtained once in ten days by the Principal, College of Engineering, Bangalore, from Messrs The Burmah Shell Oil Co , Bangalore, for the production of the Kerosene oil gas required for the use of the Government Departments viz ,the Central College, the Intermediate College the Government Soap Factory, the Public Health Department, the Agricultural Deptt and the Silver Jubilee Technological Institute He has requested that, as the gas is mainly used by the Government Departments, sanction may be accorded for exempting the oil in question from payment of Octroi duty

2 The Municipal Commissioner who was consulted in the matter has stated that, in this case octroi is recovered on the following grounds (1) that the purchase was not made directly from outside as contemplated in para 91 Clause 4 Municipal

Municipal Account Manual Part II (2) that the purchase was made from a firm who has imported and stocked the oil within the City limits & (3) that octroi Bye-laws exempting the levy of the duty on articles apply only to those which, at the time of import within the City limits are bonafide property of Government Government consider that none of the above grounds holds good in this case as there is no question of Government importing a dutiable article from outside the municipal limits as the said oil is purchased from wholesale dealers having their business within the City limits and hence the company is liable to the charge and not the purchaser There is no justification for the Bangalore City Municipal Council to levy the octroi duty on purchases made by Government Departments for bonafide Government use, since the departments in question viz the Engineering College, the Silver Jubilee Technological Institute, the Electrical or other Departments take delivery of the oil at the premises of the Company with the result that the article in question immediatel after purchase becomes the property of Government and has to be exempted from duty provided it is accompanied at the time of import by a certificate signed by the Head of the Office to the effect that the purchase is for a bonafide Government purpose Government accordingly direct that octroi should not be levied on such purchases by Government Departments The Municipal Commissioner is accordingly requested to refund the amount of duty so far recovered from the Departments concerned

The Registrar, University of Mysore is requested to instruct the Principal, College of Engineering, Bangalore to issue a certificate, at the time of getting the supply of oil, to the effect that it is intended for bonafide Government purposes as required by the bye-laws in force in the Bangalore City Municipality The Heads of other Departments are also requested to furlow the above instructions strictly

DRAFT)
Secy to Govt
Law Deptt

The Registrar, University of Mysore
" Ml Commr B City Mlty thro' the Pdt City Ml Cl Bangalore
" Comptroller to Government
" Director of Industries and Commerce
" Supdt C P S

K M R 1

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

R e a d -

Letter No 2282, dated 30th September ~~1922~~ 1924 from th Chief Electrical Engineer to the Government of Mysore, to the Secretary to Government, Public Works Department and Electrical Departments, Bangalore, stating that the Superintendent, Mysore Power and Lighting reports that the Mysore City Municipality is now levying duty on all dutiable articles received by him from outside the Municipal Limits for use of works of the Departments, that such charges have not been paid hitherto by this Department, either in Mysore or Bangalore, that the President Municipal Council contends that the Electrical Department is a Quasi Commercial Department as mentioned in Government Order No R.1696-709/M1 81-20-1 dated the 3rd August 1920 and as such the dutiable articles imported for use by the Electrical Department cannot be exempted from payment of octroi duty, that the President who was informed that the said Government Order and also G O.No.L.8065-8/M1 110-22-5 dated 15th June 1923 contemplated the levy of taxes on buildings of Electrical Departments but not Octroi duty on the materials imported by the Department, contends that under proviso (a) to section 59 of the Municipal Regulation the material imported by this Department falls within the words "other property" occuring in line 5 of the above proviso and as such the materials under reference are not entitled to exemption, that the Superintendent, M P L has been paying the Octroi Duty on articles liable to such duty under protest and requesting that the Government may be pleased to direct the President Municipal Council, Mysore not to levy duty on articles imported by this department and to refund to the Superintendent M P L the amount he has already paid under protest in this connection

****

ORDER NO L 6726-9 /mnl 154-25-2

DATED, BANGALORE THE 29th ~~FEBRUARY~~ April 1926

In Government Order dated 3rd August 1920 referred to above, the view held that "As the Sandal Oil and other Government Factories and the Electric power and the Transformer Houses are ~~xxx~~ worked on quasi Commercial basis and are consequently treated as sources of revenue, they cannot be exempted from liability to such (Municipal) taxation", does not seem to be correct If it is correct no department of Government would be exempt from Municipal Taxation as there is practically none which does not bring in some kind of revenue

Government consider that the two conditions viz ,(1) "us solely for public purpose" and (2) "not used or intended to be used for purposes of profit" included in proviso (a) to section of the Municipal Regulation should, be read together and interp

P T O

interpreted so as not to involve any contradiction The Electrical Department in Mysore is a State Department and the materials required by it are "used solely for public purposes" and Government do not think that, in respect of such materials any enquiry as to whether th are "used or intended to be used for purposes of profit" arises at all It is difficult to say what exactly is intended by the condition "used or intended to be used for purposes of profit", but the qualification "solely" found in the other condition "used solely for public purposes" appears to point to the probability that what is intended by profit is private profit, and a case of such profit arises when a material is not "solely used for public purposes" but partly for public purposes and partly for private purposes.

The income and profits of local authorities are exempt from income tax of the Central Government, and it only stands to reason that the Property of the Central Government should be exempted from Municipal Taxation

Under these circumstances Government are pleased to direct that the Mysore City Municipality should not levy Octroi under the provisions of the Mysore Municipal Regulation, on articles imported into Mysore by the Electrical Department and that the amount already paid to the Municipality under protest by the Superintendent, M P & should be refunded to that Department

(Sd) B Nagappa
Secretary to Government
Local and Legislative Deptts

To

The President, City Municipal Council, Mysore
The President, City Municipal Council, Bangalore
The Secretary to Government P W and Electrical Departments.
The Comptroller to Government of Mysore.

LG/6

"Copy"

S. O

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL AND REVENUE DEPARTMENTS

G O No L 10155 219—Ml 113 42 90 dated 15th April 1943

Exemption from Payment of Octroi Duty

Directs the —— on all articles purchased by Government Departments for *bona fide* Government purposes

---

READ—

Letter No F 4 M20—42 43 dated 10th August 1942 from the Re istrar University of Mysore requesting in tl e circumstances stated that the kerosene oil purchased from Messrs Burmah Shell Oil Company Bangal ore by the Colle e of En ineo in may be exempted from payment of octroi duty

2 Letter No A4 1362—41 42 dated 8th Octobei 1942 from the Municipal Commissioner Bangalore City furnishin his views on the subject

3 Letter No 217—C L A D dated 4th November 1942 from the Comptroller to Govern ment on the subject

4 Letter No F4 534—42 43 dated 14th November 194? from the Registrar University of Mysore furnishin further information in the matter

ORDER No L 10155 219—ML 113 42 90 DATED BANGALORE THE 15TH APRIL 1943

The Registrar University of Mysore has reported that the Bangalore City Municipal Council have been collecting from the month of June 1942 octroi duty on kerosene oil of 200 gallons obtained once in ten days by the Principal College of Engineering Bangalore from Me srs the Burmah Shell Oil Company Bangalore for the production of the kerosene oil gas required for the use of the Government Departments *viz* the Central College the Intermediate College the Government Soap Factory the Public Health Department the Agricultural Department and the Silver Jubilee Techonological Institute He has requested that as the gas is mainly used by the Government Departments sanction may be accorded for exempting the oil in question from payment of octroi duty

2 The Municipal Commissioner who was consulted in the matter has stated that in this case octroi is required on the following grounds *viz* (1) that the purchase was not made directly from outside as contemplated in para 91 clause 4 Municipal Accounts Manual Part II (2) that the purchase was made from a firm which has imported and stocked the oil within the City limits and (3) that Octroi Bye laws exempting the levy of the duty on articles apply only to those which at the time of import into the City limits are *bona fide* property of the Govern ment

3 Government consider that none of the above grounds holds good in this case The question of importing a dutiable article from outside the Municipal limits does not arise as the oil is purchased from wholesale dealers having their business within the City limits There is no legal justification for levying octroi duty on purchases made by Government Departments for *bona fide* Government use since immediately after purchase the article becomes the property of the Government and is exempted from duty Government accordingly direct that octroi should not be levied on purchases made by Departments of Government The Municipal Commissioner Bangalore City is requested to refund the amount of duty so far recovered

No L 10155 219—ML 113 42 90 DATED 15TH APRIL 1943

The Registrar University of Mysore is requested to instruct the Principal College of Engineering Bangalore to issue a certificate at the time of getting the supply of oil to the effect that it is intended for *bona fide* Government purposes as required by the bye laws in force in the Bangalore City Municipality The heads of other departments are also requested to follow the above instruction strictly

C NARAYANASWAMI NAIDU
Secretary to Government
Law Department

To—The Registrar University of Mysore
The Municipal Commissioner Bangalore City through the President Bangalore City Municipal Council
The Comptroller to Government
The Director of Industries and Commerce in Mysore
The General Superintendent Cauvery Power Scheme
The Heads of other Departments

Exd —h G S

WD 6065—GPB—395—27 4 43